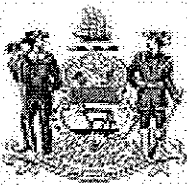


PSC DOCKET

NO. 09-444



CK# 7898/15-7011  
10-8-09 5:50 RB

Jackie  
Katie  
James  
John  
Donna

2009 OCT -8 PM 1:29

DELAWARE P.S.C.

STATE OF DELAWARE

THE PUBLIC SERVICE COMMISSION

CANNON BUILDING

861 SILVER LAKE BLVD., SUITE 100  
DOVER, DELAWARE 19904

TELEPHONE: (302) 736-7529

TELECOPIER: (302) 739-4849

**ORIGINAL**  
**DO NOT REMOVE FROM OFFICE**

**FILING COVER SHEET**

1. NAME OF APPLICANT: TFS Energy Solutions, LLC

2. TYPE OF FILING: RATE CHANGE ☐  
FUEL ADJUSTMENT ☐  
ADMINISTRATIVE ☐  
CPCN ☐  
NEW SERVICE OFFERING ☐  
OTHER - DESCRIBE ☐

PSC DOCKET

NO. 09-444

Certification as an Electric Supplier

IF A TELECOMMUNICATIONS FILING, WHAT TYPE OF SERVICE IS IMPACTED?

BASIC ☐ COMPETITIVE ☐ DISCRETIONARY ☐

3. PROPOSED EFFECTIVE DATE: January 7, 2010

IS EXPEDITED TREATMENT REQUESTED? YES ☐ NO ☒

4. SHORT SUMMARY OF FILING: Application of TFS Energy Solutions, LLC for Certification as an Electric Supplier in the State of Delaware

5. DOES THIS FILING RELATE TO OTHER DOCKETS: YES ☐ NO ☒

IF YES, LIST DOCKET(S) NO(S): \_\_\_\_\_

6. IS PUBLIC NOTICE REQUIRED? YES ☐ NO ☒  
IF YES, PLEASE ATTACH COPY OF PROPOSED PUBLIC NOTICE.

7. APPLICANT'S CONTACT PERSON: NAME: Brian McDermott  
TITLE: Senior Director  
PHONE: (203) 205-9650  
FAX: (203) 967-0426  
EMAIL: bmcdermott@traditionenergy.com  
WEBSITE (IF APPLICABLE) \_\_\_\_\_

8. DID YOU PROVIDE A COMPLETE COPY OF THE FILING TO THE PUBLIC ADVOCATE?  
YES ☒ NO ☐ IF YES, WHEN? October 7, 2009

9. FILING FEE ENCLOSED: AMOUNT: \$ 750.00

**NOTE:** House Bill 681, enacted into law 7/13/98, authorizes the Commission to recover the cost of time spent by in-house staff to process all filings initiated after the date of enactment. You may be required to reimburse the Commission for staff time.

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

TFS Energy Solutions, LLC

)

Docket No. \_\_\_\_\_

**APPLICATION OF TFS ENERGY SOLUTIONS, LLC FOR  
CERTIFICATION AS AN ELECTRIC SUPPLIER IN THE STATE OF DELAWARE**

In accordance with the Delaware Public Service Commission's (the "Commission") Rules for Certification and Regulation of Electric Suppliers,<sup>1</sup> TFS Energy Solutions, LLC d/b/a Tradition Energy ("Tradition Energy" or "Applicant") hereby seeks an Electric Supplier Certificate from the Commission in order to engage in brokering and aggregation services as an Electric Supplier in the State of Delaware.

In accordance with Rule 6 of the Commission's Rules of Practice and Procedure, Tradition provides the following contact information:

|  |
|--|
| Brian McDermott<br>Senior Director<br>TFS Energy Solutions, LLC<br>680 Washington Boulevard<br>Stamford, CT 06901<br>(203) 205-9650 (tel.)<br>(203) 967-0426 (fax)<br>bmcdermott@traditionenergy.com |
|--|

In accordance with Rules for Certification and Regulation of Electric Suppliers, Tradition Energy hereby provides the following additional information.

**1. Authority to Do Business in Delaware**

Tradition Energy was formed in Delaware on March 3, 2006 as a limited liability company under Delaware law. Attached hereto as Attachment 1 is a copy of a recent certificate of good standing issued by the Delaware Secretary of State.

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<sup>1</sup> 26 Del. Admin. Code Part 3001, Section 2.0.

## **2. Resident Agent**

Tradition Energy's resident agent for purposes of service of any notice, order or process in Delaware is:

National Corporate Research, Ltd.  
615 South DuPont Highway  
Dover, Delaware 19901

## **3. Performance Bonds**

Not applicable.

## **4. Compliance with Regional Requirements**

Evidence of Tradition Energy's technical fitness to conduct its proposed business in Delaware is set forth in Paragraph 6, below. As a broker arranging the purchase of Electric Supply Service, Tradition Energy commits that it will procure electricity only from entities that comply with PJM Interconnection, LLC requirements and are Certified Electric Suppliers in Delaware.

## **5. Financial, Operational, Managerial and Technical Ability**

In demonstration of Tradition Energy's financial ability to be an Electric Supplier, Applicant hereby provides as Attachment 2 the Consolidated Financial Statement for calendar year 2008 for TFS Energy, LLC ("TFS Energy") together with a certificate of Robert Fiorio, Treasurer of TFS Energy attesting that the consolidated financials are true and correct to the best of his information and belief. Applicant is a wholly-owned subsidiary of TFS Energy, and TFS Energy's financial statements include Applicant's financials on a consolidated basis. TFS Energy is not a publicly traded entity.

## **6. Description of Nature of Business**

Tradition Energy is one of the nation's largest energy management advisors, helping commercial, industrial and governmental organizations manage electricity and natural gas costs

in regulated and volatile deregulated energy markets. Tradition Energy is the retail division of TFS Energy's award-winning wholesale energy brokerage division, with eight offices worldwide, over 300 energy specialists, Tradition Energy has been in the energy business since 1986.

Tradition Energy intends to provide brokering and aggregation services to large commercial and industrial customers throughout the State of Delaware, including the service territories of Delmarva Power & Light Company and Delaware Electric Cooperative. Tradition Energy does not intend to take title to, or sell electricity, in Delaware.

**7. List of Other States in Which Applicant is Providing Electric Supply Services or Pending Applications**

Tradition Energy currently provides brokering and aggregation services in the following States:

Connecticut  
Massachusetts  
Maine  
Maryland  
Texas

Tradition Energy is also authorized to provide similar services in the Province of Ontario. Copies of the relevant approvals are set forth in Attachment 3. Tradition also has pending applications to become a supplier of electric and natural gas services in the District of Columbia, and applications to provide electric supply services in New Jersey, New Hampshire and Pennsylvania.

**8. Certified Financial Statements**

See Attachment 2.

**9. List of States in Which Applicant Has Been Denied Approval to Sell Electricity**

None.

#### **10. Relevant Operational Experience of Tradition Energy Officers Responsible for Delaware Operations**

a. Alan Kurzer, President. Mr. Kurzer, president of Tradition Energy, is also the president of TFS Energy, parent company of Applicant. TFS Energy, LLC is a leading institutional wholesale energy brokerage firm offering over-the-counter and exchange-traded execution and clearing of physical and derivative financial instruments across the full array of energy products including electricity natural gas, crude oil and refined products, coal, emissions and environmental products and weather derivatives. Mr. Kurzer was a founding member and is Vice President of the Energy Brokers Association (“EBA”), the energy industry trade association of brokerage companies and exchanges.

b. Brian McDermott, Senior Director. Mr. McDermott began his career over a decade ago working on the floor of the New York Mercantile Exchange (“NYMEX”). He then brokered natural gas before becoming an integral part of Tradition’s retail team, serving commercial, industrial and governmental organizations in deregulated energy markets across the United States and in Canada.

#### **11. FERC Approvals**

Applicant does not have authority from the Federal Energy Regulatory Commission to engage in wholesale sales of electricity at market-based rates.

#### **12. Bond for Customer Deposits**

Not applicable. Applicant does not intend to take customer deposits, advance payments, pre-payments or financial guarantees from customers.

#### **13. Demonstration of Minimum Asset Requirements**

Not applicable. As noted above, Applicant seeks Commission authorization as a Broker only.

#### **14. Verification**

A verification executed by Brian McDermott, Senior Director of Tradition Energy, is set forth at the conclusion of this Application.

#### **15. Consent to Jurisdiction**

Tradition Energy hereby consents to the jurisdiction of the Delaware courts for acts or omissions arising from its activities as an Electric Supplier in the State of Delaware.

#### **16. Other Requirements**

a. State of formation: Delaware

b. Business address and address of principal officers:

680 Washington Boulevard  
Stamford, CT 06901

c. Regulatory Contact:

Brian McDermott  
Senior Director  
TFS Energy Solutions, LLC  
680 Washington Boulevard  
Stamford, CT 06901  
(203) 205-9650 (tel.)  
(203) 967-0426 (fax)  
bmcdermott@traditionenergy.com

d. Toll-free Number: (888) 240-4148

e. Description of Applicant's experience and description of services.

*See paragraphs 6 and 10, above.*

f. Statement of any criminal activities of Applicant

None.

g. Standard Contract

As noted above, Tradition Energy will be functioning exclusively as a Broker of electric supply services in Delaware and will be procuring electricity only from entities that are Certified Electric Suppliers in Delaware. Tradition Energy does not intend to utilize a separate brokerage contract for its services. Rather, the contracts governing brokered services would be the agreements of the Certified Electric Suppliers selling electricity to Delaware customers, and the terms of these contracts presumably were reviewed by the Commission in connection with the application of those Certified Electric Suppliers.

**17. Notice Requirements**

Not applicable.

Respectfully submitted,

TFS Energy Solutions, LLC

By: B. J. McDermott

Brian McDermott  
Senior Director

# VERIFICATION



VERIFICATION

State of Connecticut )

)

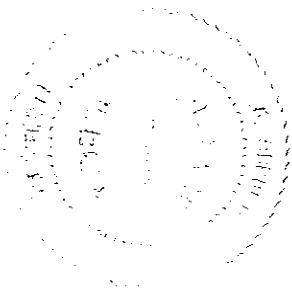
ss.

County of Fairfield )

I, Brian McDermott, being duly sworn, state to the best of my information and belief:

1. I am the duly appointed Senior Director of TFS Energy Solutions, LLC d/b/a Tradition Energy ("Tradition Energy"), and as such I am authorized to and make this verification on behalf of Tradition Energy.

2. The facts set forth in the foregoing Application of Tradition Energy are true and complete and shall be updated to the extent that such facts change during the pendency of the foregoing Application.



Brian McDermott

Sworn and subscribed before me this 5<sup>th</sup> day of October, 2009

Name: Nick Leone

My commission expires as of 10-31-2011.

# **ATTACHMENT 1**

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "TFS ENERGY SOLUTIONS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE SIXTH DAY OF OCTOBER, A.D. 2009.

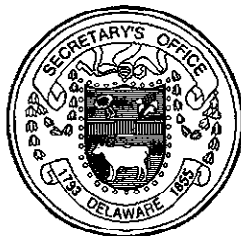
AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "TFS ENERGY SOLUTIONS, LLC" WAS FORMED ON THE THIRD DAY OF MARCH, A.D. 2006.

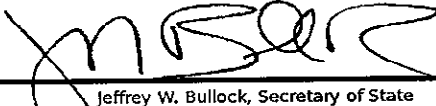
AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

4119797 8300

090914098

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 7568670

DATE: 10-06-09

# **ATTACHMENT 2**

VERIFICATION

State of Connecticut )

)

ss.

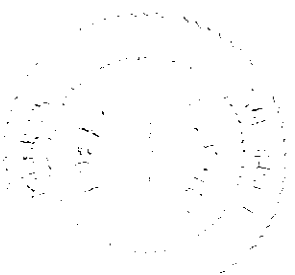
County of Fairfield )

I, Robert Fiorio, being duly sworn, state to the best of my information and belief:

1. I am the duly appointed Treasurer of TFS Energy, LLC ("TFS Energy"), and as such I am authorized to and make this verification on behalf of TFS Energy.

2. The audited Consolidated Financial Statements of TFS Energy for calendar year 2008, include the financials of TFS Energy Solutions, LLC on a consolidated basis.

3. The Consolidated Financial Statements for TFS Energy for calendar year 2008, which are being provided to the Delaware Public Service Commission in connection with the application of TFS Energy Solutions, LLC to become a Certificated Energy Supplier, are true and correct.



Robert Fiorio

Robert Fiorio

Sworn and subscribed before me this 6<sup>th</sup> day of October, 2009

Nick Gattuso

Name: Nick Gattuso

My commission expires as of 10-31-2011.